

REMARKS

This Amendment is submitted in reply to the non-final Office Action mailed on July 25, 2007. No fee is due in connection with this Amendment. The Director is authorized to charge the one month petition for extension of time fee in the amount of \$120.00 and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-604 on the account statement.

Claims 1-3 and 6-15 are pending in this application. Claims 4-5 were previously canceled. In the Office Action, Claims 1-3 and 6-15 are rejected under 35 U.S.C. §112, second paragraph, and Claims 1-3, 6-7 and 9-11 are rejected under 35 U.S.C. §102. In response Claims 1 and 12 have been amended, Claims 8 and 13-15 have been canceled and Claims 16-19 have been added. These amendments do not add new matter. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 1-3 and 6-15 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Patent Office alleges that Claims 1 and 12 are unclear as to how passageways 5 and 6 are 100 to 140 degrees from each other. In response, Claims 1 and 12 have been amended for clarification purposes. Amended Claims 1 and 12 recite, in part, that two of the passageways are arranged at an opposing angular location of from 100 to 140 degrees from the remaining passageway. For example, as illustrated in FIG. 1, two passageways 5 and 6 of the housing outer part are arranged at an opposing angular location of from 100 to 140 degrees from the remaining third passageway 4. Based on at least these noted reasons, Applicants believe that Claims 1-3 and 6-15 fully comply with 35 U.S.C. §112, second paragraph.

Accordingly, Applicants respectfully request that the rejection of Claims 1-3 and 6-15 under 35 U.S.C. §112 be withdrawn.

In the Office Action, Claims 1-3, 6-7 and 9-11 are rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 2,427,680 to Leonard et al. ("*Leonard*"). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

Independent Claim 1 has been amended to recite, in part, that two of the passageways are arranged at an opposing angular location of from between 90 to less than 180 degrees from the remaining passageway and the dosing chamber is constructed and arranged so as to alternately connect the two opposing passageways of the outer part to the remaining passageway. The amendment is supported in the specification, for example, at page 7, lines 11-20. An advantage of the claimed metering device configuration is that doubling the capacity and operating speed of the device is possible as filling and dosing of product is achieved every half-cycle (e.g. alternate rotation). Another advantage of the claimed metering device is that the number of the passageways and arrangement of the passageways relative to one another provide a versatility of use of the device. For instance, the claimed metering device can be used either in a 1:2 or 2:1 dosing configuration. In a 1:2 dosing configuration, a first passageway serves as a product inlet while the two others serves as two outlets for dosing product on two parallel production lines. In a 2:1 dosing configuration two different products can be combined to make a third one and dose it through a single outlet. In contrast, the cited references fail to disclose or suggest every element of Claim 1 as currently amended.

Leonard fails to disclose or suggest that two of the passageways are arranged at an opposing angular location of from between 90 to less than 180 degrees from the remaining passageway and the dosing chamber is constructed and arranged so as to alternately connect the two opposing passageways of the outer part to the remaining passageway as required, in part, by Claim 1. For example, the chamber in *Leonard* does not connect either of two passageways of the outer part to the remaining passageway in accordance with Claim 1. Instead, the chamber in *Leonard* connects two passageways 54 and 55 to diametrically opposing longitudinal bores 42 and 43, which is distinguishable from the claimed device. See *Leonard*, Figure 2. For at least the reasons discussed above, Applicants respectfully submit that Claim 1 and Claims 2-3, 6-7 and 9-11 that depend from Claim 1 are novel, nonobvious and distinguishable from the cited reference.

Accordingly, Applicants respectfully request that the rejection of Claims 1-3, 6-7 and 9-11 under 35 U.S.C. §102 be withdrawn.

In the Office Action, Claims 8 and 12-15 are allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include the limitations of the base claim and any intervening claims. In response, Applicants have amended Claims 1 and 12 to


overcome the 35 U.S.C. §112 rejection as discussed above. Further, Applicants have added new Claims 16-19. New Claims 16-19 effectively represent the subject matter as defined in Claims 8 and 13-15 in allowable form as suggested by the Patent Office. Claims 8 and 13-15 have been cancelled without prejudice or disclaimer in view of same. Accordingly, Applicants respectfully submit that Claims 12 and 16-19 should be allowed.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY



Robert M. Barrett
Reg. No. 30,142
Customer No. 29157
Phone No. 312-807-4204

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